

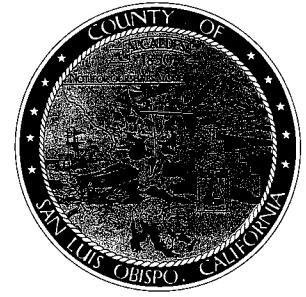
**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administration		(2) MEETING DATE May 16, 2006		(3) CONTACT/PHONE Vincent Morici 781-5020	
(4) SUBJECT Hearing to consider ordinance amending the Booking Fee in the County fee schedule for fiscal year 2006-07.					
(5) SUMMARY OF REQUEST Counties have the statutory authority to levy a charge against cities, special districts, school districts colleges or universities to recover the costs associated with booking persons into the county jail. The charge is commonly referred to as the booking fee. In 2004, the State amended the Government Code statute (29550-29550.3) that allows booking fees to be charged. The changes limit the amount of the fee to one-half the actual costs of the expenses allowed by the statute. The County is seeking to amend the fee ordinance to raise the booking fee from the current charge of \$92.50 to the proposed charge of \$108.50. The Sheriff Department has determined that actual cost is \$217.13.					
(6) RECOMMENDED ACTION It is recommended that the Board: It is recommended that the Board hold a public hearing on the proposed fee change and approve proposed fee change to the County Booking Fee contained in the County Fee Ordinance.					
(7) FUNDING SOURCE(S) Booking fee		(8) CURRENT YEAR COST Revenue of approximately \$405,000		(9) ANNUAL COST Expected revenue of \$475,000	
(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): All seven cities in the San Luis Obispo County, Cal Poly University and Cuesta College have been notified of the proposal to raise booking fees. The Sheriff Department staff has prepared the time study for the proposed fee. County Counsel has assisted with the drafting of the ordinance to implement the fee.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input checked="" type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input type="checkbox"/> N/A			(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date 11-22- 2005 and 11-21-1995
(23) ADMINISTRATIVE OFFICE REVIEW					

C-2
5-16-06

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



TO: BOARD OF SUPERVISORS

DAVID EDGE
COUNTY ADMINISTRATOR

FROM: VINCENT MORICI, ADMINISTRATIVE OFFICE

DATE: DECEMBER 16, 2006

SUBJECT: HEARING TO CONSIDER AN ORDINANCE AMENDING AND IMPLEMENTING THE BOOKING FEE CONTAINED THE COUNTY FEE SCHEDULE FOR FISCAL YEAR 2006-2007.

Recommendation:

It is recommended that the Board hold a public hearing on the proposed fee change and approve proposed fee change to the County Booking Fee contained in the County Fee Ordinance.

Discussion:

History

Since 1990, counties have had the statutory authority to levy a charge against cities, special districts, school districts colleges or universities to recover the costs associated with booking persons into the county jail. The Legislature granted this authority to counties as one of a number of measures intended to offset reductions to state support for county programs contained in the 1991-91 state budget. The charge is commonly referred to as the "booking fee."

The County first adopted the booking fee to take effect January 1, 1991. The fee amount in 1991 was set at \$87.47. The booking fee was last amended as part of the County's overall fee schedule for 1996. Since that time, the booking fee charged to cities has been \$92.50. Although there has been no change in the booking fee charged to cities and special districts, the costs related to booking and processing of arrestees have substantially increased over the last ten years. The booking fee affects nine agencies in this county. The nine agencies are comprised of the seven cities, Cal Poly State University and Cuesta College. Statewide law enforcement agencies, the Highway Patrol for example, cannot be charged booking fees.

In 2004, the State amended the Government Code statute (29550-29550.3) that allows booking fees to be charged. The changes limit the amount of the fee to one-half the actual costs of the expenses allowed by the statute. The law also requires that cities and special districts receive notice 45 days in advance of the hearing at which the increase in fees will be considered.

In fall of 2005, the Sheriff Department accomplished time and motion studies to identify the actual cost of processing arrestees into the jail. However, there was insufficient time to provide

022

the required 45 day notice to the jurisdictions that are subject to the booking fee before the County took action to amend County Fee Ordinance and related fee schedules at the November 22 Board of Supervisors meeting. Since that time the Sheriff Department has refined the studies and provided notice to cities of the fee and the hearing to amend the fee.

Proposed Booking Fee

The booking fee is not applied in all instances. For example, a person arrested in a city for violation of parole, failure to appear, or bench warrants are not charged fees, unless a new crime is alleged. Nor are fees charged for an arrest warrant issued in connection with a crime not committed within the city where the arrest is made. Based upon the amount of revenue received in FY 2004-2005 there are about 4,000 bookings a year where fees are charged. In total, the Sheriff Department realizes about \$405,000 in booking fees

Based upon the time and motion studies of accomplished by the Sheriff Department, the actual cost of the allowable expenses identified in Government Code The booking fee is being amended in accordance with Government Code 29550-29550.3. The actual cost was determined to be \$217.13. The allowable fee amount \$108.57. For purposes of the fee schedule, this amount is being rounded to \$108.50. This is \$16.00 more than the existing fee of \$92.50. However, as mentioned above, there has been no change to the fee since January of 1996, despite the fact the cost related to the booking of arrestees has more than doubled.

The cities, Cal Poly University and Cuesta College received notification of the proposed fee increase forty-five days before the scheduled hearing date of May 16, 2006. The notification included a request to contact the Undersheriff should there be questions about the proposed increase in fees. Only the City of San Luis Obispo contacted the Sheriff Department. The questions raised by San Luis Obispo City were addressed and the City is satisfied that the costs and the fee are appropriate. If approved the change will become effective July 1, 2006

Financial Considerations:

Amending the county booking fee will allow the county to recoup a portion of the cost related to booking and processing of arrestees into the county jail. Annually, about 4,000 bookings are charged fees. The proposed increase in booking fees is estimated to increase annual revenues from this source by about \$70,000. The revenues received from this source cover a portion of the cost for booking individuals arrested by cities and special districts.

Results:

The results of holding this public hearing are to notify cities and special districts of the intention to change the Booking Fee and provide an opportunity for the affected jurisdictions, the public and the Board of Supervisors to discuss the proposed change to the Booking Fee. Approval of this amendment to the County Fee Ordinance and Schedule B will become effective July 1, 2006. This change to the fee schedule will assist in defraying a portion of the costs related to the booking of persons arrested by cities and special districts.

Attachments:

Fee Schedule - Changes only

Fee Ordinance

Change to Schedule A,
Fees that will become effective Jul 1, 2006

Sheriff-Coroner - Fund Center 136

Fee Description	Authority	2005 Current Fee	2006 Total Cost	2006 Proposed Fee
Booking Fee	Government Code Section 29550-29550.3	\$92.50	\$217.13	\$108.50

Comments

In accordance with the requirements of Government Code Section 29550-29550.3, the fee is set at one-half the actual cost of the eligible expenses identified in the above referenced code section.

C. J.
4

ORDINANCE NO. _____

ORDINANCE AMENDING COUNTY FEE SCHEDULE

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: The Board finds and determines:

- a. That it has the authority to revise fee charges for providing booking of individuals at the County Jail pursuant to Government Code Sections 29550 - 2955.3
- b. The Board has adopted a policy (Resolution No. 73-396) requiring the County Administrator and the Auditor-Controller to annually review fees and charges for specific County products, services and costs of enforcement with the departments making those charges, and make recommendations to this Board as to whether said charges should remain the same, be increased or be decreased.
- c. On November 21, 1995, Ordinance No. 2739 was adopted establishing the current County booking fee. Said ordinance shall continue in effect unless modified by subsequently adopted, fee ordinances. The booking fee is to be charged as set forth in Schedule A of this Ordinance, and shall supersede the booking fee established in Ordinance No. 2739. This ordinance shall not effect any other fees adopted by Ordinance No. 2739 or any other subsequent ordinance that amended or superseded Ordinance No. 2739, and all such fees shall remain unchanged. This amendment has been subject to review by the County Administrator and the County Auditor-Controller.
- d. All fees adopted as contained in Ordinance No. 3076 remain as adopted by the Board of Supervisors. The only changes to the fees adopted are shown as revisions in Schedule "A" of this ordinance.
- e. Public Notice has been given in accordance with Government Code Sections 29550-29550.3

SECTION 2: The fee ordinances are amended as follows:

That the fee attached and incorporated by reference herein shown on Schedule "A" as "proposed fee" is hereby approved, and shall be effective July 1, 2006.

SECTION 3: All departmental managers and divisional managers whose services are listed in said Schedule "A" are hereby directed to amend their fees for services to the rate shown in Schedule "A" as "proposed fees". No other fee shall be effected by this ordinance.

SECTION 4: This ordinance shall take effect and be in full force and effect as set forth in Section 2 above; and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for

C2/5

and against the ordinance in the Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

INTRODUCED at a regular meeting of the Board of Supervisors held on ____ day of _____, 2006 and **PASSED** and **ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ____ day of __ 2006, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

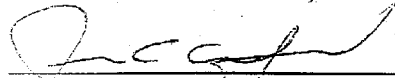
ABSTAINING:

Chairperson of the Board of Supervisors
County of San Luis Obispo
State of California

ATTEST:

County Clerk and Ex-Officio Clerk of
the Board of Supervisors, County of
San Luis Obispo, State of California

APPROVED AS TO FORM AND LEGAL EFFECT:
JAMES B. LINDHOLM, JR.



BY: Deputy County Counsel

DATE: 5/1/06

26